

Amendment No. 5 to HB1049

**Hawk
Signature of Sponsor**

AMEND Senate Bill No. 999

House Bill No. 1049*

by deleting § 49-1-1205 in Section 1 and substituting instead the following:

49-1-1205.

(a)

(1) Prior to initial approval by the department as a participating school, a school shall be approved or denied for consideration in the program by the local board of education in which scholarships are available to be received. The local board of education shall have the authority to approve or deny requests for consideration in the program in accordance with this subsection (a).

(2) The local board of education shall rule by resolution, at a regular or special called meeting, on the approval or denial of a request for consideration within ninety (90) days of receipt of the completed request. Should the local board of education fail to either approve or deny a request within the ninety-day time limit prescribed in this subdivision (a)(2), the request shall be deemed approved.

(3) The grounds upon which the local board of education bases a decision to deny a request must be stated in writing, specifying objective reasons for the denial. Upon receipt of the grounds for denial, the school shall have thirty (30) days within which to submit an amended request to correct the deficiencies. The local board of education shall then have thirty (30) days either to deny or to approve the amended request. A decision to deny an amended request shall be in writing, specifying objective reasons for the denial. Should the local board of

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education fail to either approve or deny the amended request within thirty (30) days, the amended request shall be deemed approved.

(4)

(A) A denial by the local board of education of an amended request for consideration to participate in the program may be appealed by the school seeking the request, within ten (10) days of the final decision to deny, to the state board of education.

(B) Within sixty (60) days after receipt of the notice of appeal and after reasonable public notice, the state board, at a public hearing attended by the board or its designated representative and held in the school district in which the school has made a request for consideration, shall conduct a de novo on the record review of the school's request and make its findings. If the state board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, the state board may approve the request for consideration for the school. The decision of the state board shall be final and not subject to appeal.

(5) LEAs may charge schools seeking a request for consideration a reasonable fee in an amount approved by the local board of education. The fee shall not exceed five hundred dollars (\$500) per request.

(6) A school seeking initial approval from the department shall submit appropriate documentation in a manner prescribed by the department indicating local or state board approval, as the case may be.

(b) After initial approval by the department as a participating school, a school may continue to enroll additional eligible students through the program; provided, the school demonstrates achievement growth for scholarship students, in the aggregate, at a minimum level of “at expectations,” as represented by a value-added assessment system developed pursuant to part 6 of this chapter or through guidelines adopted by the state board pursuant to part 3 of this chapter.

(c) If a participating school demonstrates achievement growth for scholarship students, in the aggregate, at a level of “significantly below expectations” for two (2) consecutive years, as represented by a value-added assessment system developed pursuant to part 6 of this chapter or through guidelines adopted by the state board pursuant to part 3 of this chapter, the commissioner shall have the authority to suspend or terminate a school’s participation in the program. If the department suspends or terminates the school’s participation, the department shall notify affected scholarship students and their parents of the decision. If a participating school is suspended or terminated from the program pursuant to this subsection, scholarship students enrolled at the school may transfer to another participating school without loss of eligibility and such students shall be given preference for enrollment.